

0005



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

ACT/007/016#3
Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

October 31, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P 402 458 642

Mr. Dan W. Guy
Manager, Permitting/Compliance
Beaver Creek Coal Company
P.O., Box 1378
Price, Utah 84501

Dear Mr. Guy: *Dan*

Re: Disapproval of Operator Request to Delete Portions of Mine
Access/Haul Road, Beaver Creek Coal Company, Gordon Creek #2
Mine, ACT/007/016, Folder #3 & 4, Carbon County, Utah

The Division has completed the review of Beaver Creek Coal Company's (BCCC) submittals regarding the company's justification to formally remove a portion of the mine access/haul road from the approved permit area of the Gordon Creek #2 mine. It is our opinion that the information provided to date by BCCC fails to justify the operator's position that the portion of the road in question should be removed from the permit area.

Therefore, the Division cannot approve your request to delete the identified portions of the road accessing the Gordon Creek #2 Mine from the permit area. The two sections of the road under contention (as currently outlined in the approved Mining and Reclamation Plan), must remain within the permit area boundary.

It is the Division's opinion that the permit area should stand as approved, unless the operator has information which substantiates the need for frequent access to Sweets Canyon by persons not involved in coal mining. Please provide data to support that multiple use for the road below the junction of Sweets Canyon with the mine access road; specific cabin sites, access for grazing, etc. Such information could facilitate release of portions of this road below the junction cited above.

The information provided to date shows that there is fee ground along Sweets Canyon, a situation not distinct from the land status of the mine itself. At this time, the Division maintains that

Page 2
Mr. Dan Guy
ACT/007/016
October 31, 1986

Beaver Creek Coal Company must be held responsible for appropriate road maintenance and for compliance with the regulations applicable to this classification of road as shown in the approved mine plan.

I wish to express my apologies for the delay in responding to this matter and hope that it has not caused you any significant problems during the interim. Please contact me or Wayne Hedberg should you have remaining questions or concerns.

Sincerely,



Lowell P. Braxton
Administrator
Minerals Resource Development
and Reclamation Program

DWH:djh
cc: A. Klein
B. Roberts
W. Hedberg
J. Whitehead
P. Ralphs
8992R/85



Beaver Creek Coal Company
Price, UT

Date: 3/24/86

To: Lowell Braxton

From: Dan Guy

phone 801 637 5050

- Approval
- Handling
- Note
- Note and return
- Per your request
- Your comment
- Your information
- Your signature
- Your file

Per Our Conversation - 3/20/86:

1- Enclosed are 3 maps showing roads and old mines with ownership in the Sweet's Cyn. - # 2 Mine area.

Please note the old works and surface ownership in the area in questions. These old mines were served by county roads in the 1940's & 1950's.

Dan

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO 

(Name of Sender)	(No. and Street, Apt., Suite, P.O. Box or R.D. No.)
(City, State, and ZIP Code)	



PENALTY FOR PRIVATE USE: \$300

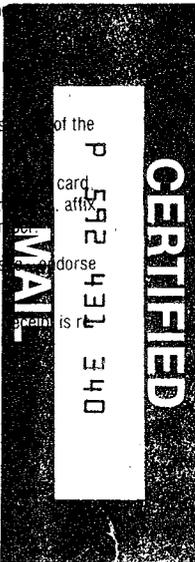
PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 3 and 4.
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box (es) for service(s) requested.

<p>1. <input type="checkbox"/> Show to whom, date and address of delivery.</p> <p>2. <input type="checkbox"/> Restricted Delivery.</p> <p>3. Article Addressed to:</p>	<p>Article Number</p>
<p>4. Type of Service:</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured</p> <p><input type="checkbox"/> Certified <input type="checkbox"/> COD</p> <p><input type="checkbox"/> Express Mail</p>	
<p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>	
<p>5. Signature — Addressee <input checked="" type="checkbox"/></p>	
<p>6. Signature — Agent <input checked="" type="checkbox"/></p>	
<p>7. Date of Delivery</p>	
<p>8. Addressee's Address: (ONLY if requested and fee paid)</p>	

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front of article)

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side leaving the receipt attached and present the article at a post office service window or hand it to your agent. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, affix to front of article by means of the gummed ends if space permits. Otherwise, attach to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, write **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.



PS Form 3800, Feb. 1982

★ U.S.G.P.O. 1983-403-517

Sent to	
Street and No.	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

P 592 431 340

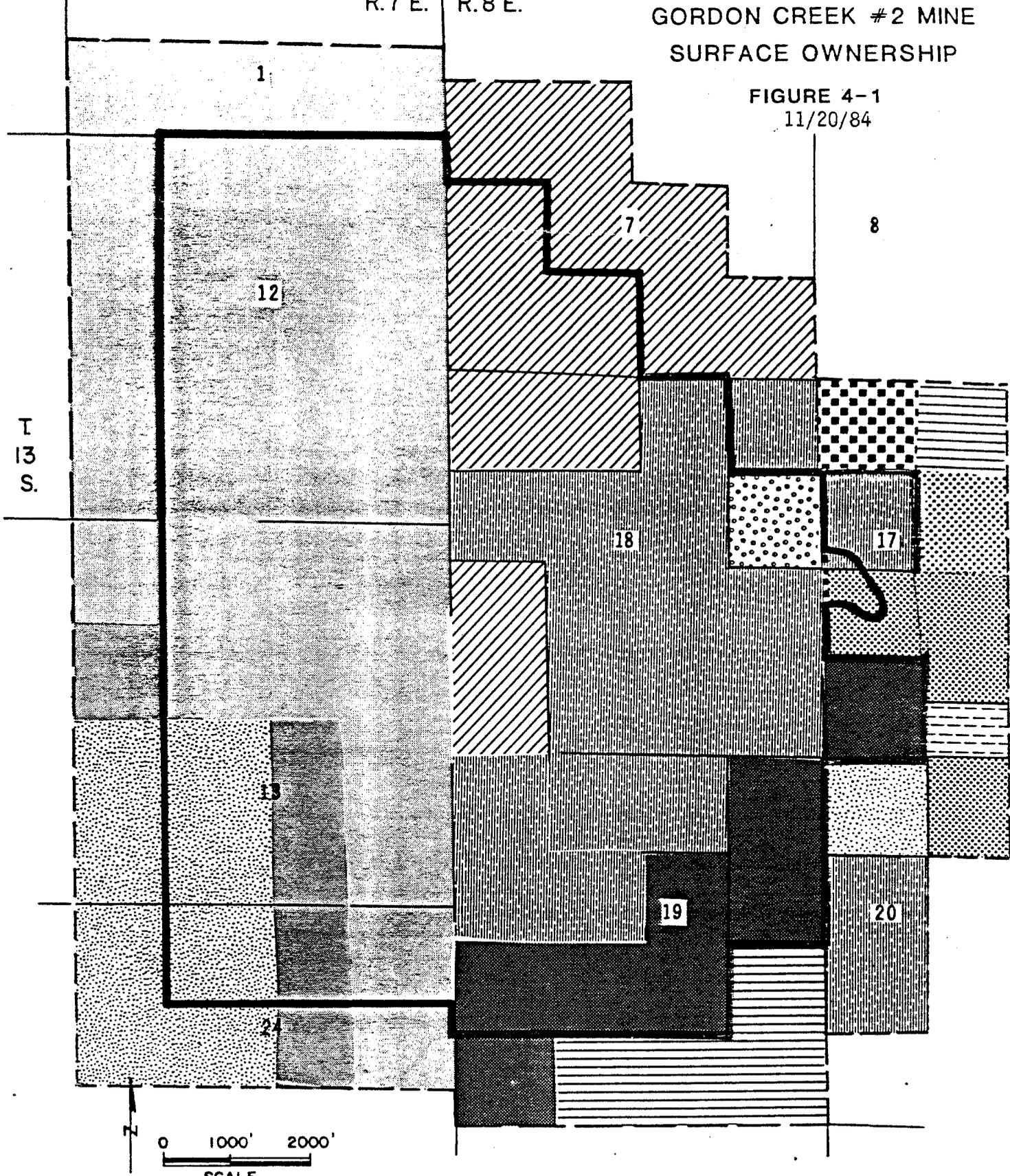
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

GORDON CREEK #2 MINE
SURFACE OWNERSHIP

FIGURE 4-1
11/20/84



- | | | | | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------------|
|  | CARBON COUNTY |  | CARL NYMAN |  | WASATCH COAL CO. |
|  | HELPER ASSOCIATES |  | D. E. JENKINS &
C. K. JACOB & SONS
PARTNERSHIP |  | CONTIGUOUS TO
PERMIT AREA |
|  | MARGARET PEIRCE GRANT,
CATHERINE PEIRCE JEWKES &
MOVELL A. JEWKES |  | U.S.A. |  | PERMIT AREA |
|  | CALVIN K. JACOB &
SONS PARTNERSHIP |  | G. PETE & BETTY
RAE FRANSEN |  | ELDRED E. PEIRCE, JR. |

October 14, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P000 000 000
592-431-340

Mr. Dan W. Guy
Manager, Permitting/Compliance
Beaver Creek Coal Company
P.O. Box 1378
Price, Utah 84501

Dear Mr. Guy:

RE: Disapproval of Operator Request ^{to} Delete ~~✓~~ Portion^s of Mine Access ^{Haul}
Road ~~✓~~ Beaver Creek Coal Company, Gordon Creek #2 Mine,
ACT/007/016, Folder #3 & 4, Carbon County, Utah

From the Approved Permit Area,

The Division has completed the review of Beaver Creek Coal Company's (BCCC) submittals regarding the company's justification to formally remove a portion of the mine access/haul road from the approved permit area of the Gordon Creek #2 mine. It is our opinion that the information provided to date by BCCC fails to justify the operator's position that the portion of the road in question should be removed from the permit area.

Therefore, the Division maintains that Beaver Creek Coal Company must be held responsible for appropriate road maintenance and ~~for~~ compliance with the regulations applicable to this classification of road. Beaver Creek will be held responsible for all portions of the road which were included within the MRP Permit Application Package as approved by the Office of Surface Mining on _____ 1986.

Should the Division's final decision on this issue be unsatisfactory to the operator, then Beaver Creek may petition the Board of Oil, Gas, and Mining for an opinion on the matter. If the operator has additional information which may further substantiate his position, please provide the same to the Division for our formal consideration.

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Mr. Dan Guy

ACT/007/016

October 13, 1986

We wish to express our sincere apologies for the unforeseen delay in finalizing this matter and hope that it has not caused you any significant problems during the interim. Please contact me or D. Wayne Hedberg should you have remaining questions.

Sincerely,

Lowell P. Braxton
Administrator of Minerals
Development and Reclamation
Program

DWH:djh

cc: A. Klein

W. Hedberg

J. Whitehead

P. Ralphs

8992R *P. G. Kelly*

B. Roberts

March 19, 1986

CERTIFIED RETURN RECEIPT REQUESTED
(P592-431-340)

Mr. Dan W. Guy, Manager
Permitting and Compliance
Beaver Creek Coal Company
P. O. Box 1378
Price, Utah 84501

Dear Mr. Guy:

RE: Operator Request to Delete Portions of Access/Haul Road
from the Approved Permit Area, Gordon Creek #2 Mine,
ACT/007/016, Files 3 & 4, Carbon County, Utah

The Division has completed the review of Beaver Creek Coal Company's (BCCC) June 13, 1985 response which references the company's request as identified above. The final decision on this request has been delayed pending completion of a legal review by the assistant attorney general. The legal review is now complete and was used as a aid in developing the Division's decision on this request.

The Division cannot approve the operator's request to delete the identified portions of the road accessing the Gordon Creek #2 Mine from the permit area. The two sections of the road under contention (as currently outlined in the approved Mining and Reclamation Plan), must remain within the permit area boundary.

The operator's responses to date have not conclusively demonstrated that the portions of the access road in question should be exempted from BCCC's permitting and reclamation responsibility. It is the Division's opinion that the permit area should stand as approved, unless the operator has additional information which would shed new light on this issue.

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Mr. Dan W. Guy
ACT/007/016
March 19, 1986

The question regarding significant public use of the lower section of the mine access road, from the intersection with the main artery of the Gordon Creek Canyon road up to the junction with the ancillary road (near the G.C.#2 water loadout area), may have some validity. However, none of the documents or maps provided thus far, clearly reference or identify the ancillary road which has been eluded to by the operator. Detailed evidence of public use (including frequency) of this specific portion of the mine access road and associated ancillary road could lend support the operator's argument.

We appreciate your patience and cooperation during this extensive review period. Please feel free to contact me or D. Wayne Hedberg should questions remain.

Sincerely,

L. P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

DWH:jvb
cc: Allen Klein
Ken May
Barbara Roberts
John Whitehead
Joe Helfrich
Pam Grubaugh-Littig

8992R



STATE OF UTAH
NATURAL RESOURCES
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Norman H. Bangerter, Governor
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355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

February 12, 1986

TO: Lowell P. Braxton, Administrator

FROM: D. Wayne Hedberg, Permit Supervisor *DWH*

RE: Mine Access Road, Beaver Creek Coal Company, Gordon Creek #2 mine, ACT/007/016, Carbon County, Utah

This memo is provided to you as a follow up to our January 13, 1986 discussions on BCCC's request to delete a portion of their mine access road from the Gordon Creek #2 MRP permit boundary. I have reviewed Barbara Roberts December 24, 1985 memorandum and attachments which were provided in response to our August 15, 1985 request for legal assistance in making a decision on this matter. I have also discussed this issue and OSM's ten-day notice with the Inspection and Enforcement staff for a better understanding of the background behind the company's request. My position and ultimate recommendation is based upon my understanding of the permitting correspondence and associated background information behind this issue.

BACKGROUND:

The following is a list of the pertinent documents which I have reviewed:

- (1) December 24, 1985 memorandum from Barbara Roberts. This memo included a copy of her April 13, 1984 memo to Dianne, with all pertinent background information used as a basis for her initial recommendation on classification for the Gordon Creek Road.
- (2) August 15, 1985 memo to Dianne Nielson requesting legal assistance and guidance from A.G.'s office in reaching a decision on the operator's request. Included a permitting chronology of correspondence and decisions made from receipt of initial plan to date.

- (3) June 13, 1985 operator response to DOGM May 20, 1985 deficiency letter. This included copies of the "State's (Carbon County) Decision" on the status of the Gordon Creek Road and pertinent (operator/county) agreements concerning respective maintenance responsibilities, general road use and classification.
- (4) August 1, 1985 - DOGM draft technical comments on BCCC June 13, 1985 deficiency response.
- (5) May 20, 1985 - DOGM deficiency review letter in response to BCCC's November 23, 1984, and January 21, 1985 submissions.

After reviewing the information pertinent to this proposal, It is my opinion that BCCC has failed to provide sufficient information, or a strong enough case to demonstrate that the section(s) of the Gordon Creek #2 mine access road in question should not be included as part of the permit area.

Statements #1 and 2 which follow, are based on my interpretation and understanding of the written agreement between BCCC and Carbon County (last amended November 25, 1981). The agreement addresses county and BCCC's responsibilities for use and maintenance of the Gordon Creek Road (designated a Class "B" public road).

1. There is little arguement that the main access road which courses up Consumer's Canyon adjacent to the Gordon Creek #2 Mine meets the public road criteria. Where the question arises is with reference to the "spur" road which branches off from the main Gordon Creek road and leads up Bryner Canyon directly to the Gordon Creek #2 and 7 mines.
2. This section of road is not clearly identified or described (in any of the documents) as being considered part of the main throughfare (i.e., Gordon Creek road) which the county has categorized as a public road. Currently, portions of the road are within the Gordon Creek #2 permit boundary, and some portions are outside of the boundary. There is a locked gate at the entrance to the G.C. #2 minesite area effectively prohibiting public vehicular access beyond that point.

Page 3
Memo to LPB
ACT/007/016
February 12, 1986

Statements #3 & 4 are based upon discussions with I. & E., technical staff, and upon my review of BCCC's submissions to date:

3. It is my understanding that BCCC was held responsible for addressing an OSM ten-day notice written on a portion of the "spur" road between the gate and the main public road below the mine. The operator apparently has (had) a stockpile of road surfacing materials which had no sediment or erosion control measures provided. Apparently this violation was upheld (personal communication w/ I. & E.).
4. BCCC also has an active water loadout located in Bryner Canyon which is adjacent to (and accessed from) a lower portion of the "spur" access road leading up to the GC #2 mine.

Consequently, it is my opinion and recommendation that the entire portion of the road "spur" accessing the GC #2 mine (from the locked gate down to the intersection with the main trunk of the Gordon Creek public access road), be included within the affected permit area boundary for this mine.

cc: Barbara Roberts
John Whitehead
Pam Grubaugh-Littig
Joe Helfrich

8946R